

Remarks:

The applicant has deleted the words "flat and coiled on its edge" from the claim (8) to overcome the technical rejections and define the invention patentable over the prior art.

Claims 5-7 were rejected and claim 8 not entered because new claim 8 raises new issues regarding the inlaid cable that would require further search and consideration. "Note: Proposed limitations regarding the flat and coiled heat trace cable do not appear in the originally filed specification, which raises the issue of new matter."

In Amendment Specifications filed July 22, 2005, applicant amended specifications to include installation of a heat trace cable. "This invention is related to a method of heating a stone or composite material bench by means of installation to a heat trace electrical cable into the back and seat units."

U.S. Patent 6,220,656 B1 by McDowell et al. discloses a bench that contains a seat, backrest and upright supports and uses a thin film as the heating element. Claim 3 by McDowell states "a heated seat according to claim 1 wherein said flat substrate is a metal plate and said heater is a thin film."

The applicant of this invention uses a different heating element that is not a thin film. This invention contains a commercially-produced heat trace cable that the applicant originally described in claim 8 as flat and coiled on its edge to further define the difference.

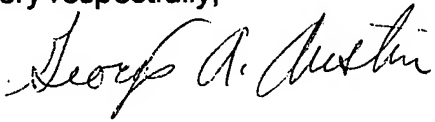
Applicant requests the words flat and coiled on its edge by stricken from claim 8 and entered.

Enclosed are data sheets on the two different heating elements. McDowell references Minco Products of Minneapolis as the source of his heating element. Information garnered from the company web page shows the design of the heating element, which is different from this inventor's heating element. This inventor uses a Technitrac cable for the heating element.

Conclusion:

This applicant respectfully submits the claims define over the prior art under Section 102 because the method of heating the bench is novel and the claimed distinctions are of patentable merit under Section 103 because of this method. Accordingly, applicant submits that this application is now in full condition for allowance, which action applicant respectfully solicits.

Very respectfully,

A handwritten signature in cursive script that reads "George A. Austin".

George A. Austin

120 W. Apricot Ave.
Salt Lake City, Utah 84103
801-355-3470

Certificate of Mailing

I hereby certify that this correspondence and attachments will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on the date below.

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